

COL. HENRY M. ZELLER

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 8309]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8309) for the relief of Col. Henry M. Zeller, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was transmitted to the Speaker of the House and referred to this committee for consideration. After careful consideration your committee recommends favorable consideration of the bill.

Communication from the Secretary of the Army is as follows:

DEPARTMENT OF THE ARMY,
Washington 25, D. C., August 16, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed herewith a draft of a bill for the relief of Col. Henry M. Zeller. The submission of this proposed legislation is in accordance with procedures approved by the Secretary of Defense.

The purpose of this proposed bill is to reimburse this officer for the complete destruction of his household goods. The loss occurred while the officer was on active duty with the Army of the United States and while the household goods were bailed to the United States incident to transportation in connection with a permanent change of station of Colonel Zeller.

In March 1953, Colonel Zeller, then stationed at Fort McPherson, Ga., received orders to proceed to Fort Richardson, Anchorage, Alaska. On March 31, 1953, his household goods were packed, crated, and picked up by the North American Van Lines, Inc., at Fort McPherson, to be transported under Government bill of lading to Fort Richardson. On August 6, 1953, at about 9 p. m., when the tractor-trailer transporting the property had reached a point near Dawson Creek, Canada, the vehicle caught fire and burned completely. It appears that the gas tank overflowed and the exhaust fumes heated the gasoline causing the fire. As a result of the fire the entire shipment of household goods belonging to Colonel Zeller was destroyed.

Colonel Zeller submitted a claim under the provisions of the Military Personnel Claims Act of 1945, as amended (31 U. S. C. 222c), for reimbursement in the

amount of \$25,071.63. After the deduction of insurance and the amount recovered from the carrier, as well as the application of depreciation to the various items of the claim, it has been determined in this Department that the claim was meritorious in the amount of \$4,371.43. However, Public Law 439, 82d Congress, dated July 3, 1952 (66 Stat. 321), placed a maximum limitation of \$2,500 on the amount which could be paid administratively under the provisions of the Military Personnel Claims Act of 1945, supra, which was the only statute under which the claim could be considered. Accordingly, Colonel Zeller's claim has been allowed administratively in the maximum amount of \$2,500. He was not been compensated for the remaining portion of his loss which has been determined by this Department to be \$1,871.43. There is no way in which Colonel Zeller can be compensated for this remaining portion of his loss other than through the enactment of special legislation for his relief. The loss occurred incident to his service, while his household effects were bailed to the United States and without any fault or neglect on his part.

The Congress, from time to time, has favorably considered claims of members of the Armed Forces for loss of personal property in excess of the \$2,500 limitation placed upon administrative payments under the Military Personnel Claims Act of 1945, supra. Recent cases are Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 933, for the relief of S. Sgt. Frank C. Maxwell (H. R. 7835), all enacted by the 83d Congress. An additional case, S. 3515, for the relief of John B. Gibbons, Jr., was under consideration by the Committee on the Judiciary, United States Senate, at the close of the second session of the 83d Congress but was not acted upon.

The total cost of this bill, if enacted, will be \$1,871.43.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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